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09/669,178	09/25/2000	John R. Fredlund	81687RLO	3016

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EXAMINER	
SELBY, GEVELL V	
ART UNIT	**PAPER NUMBER**
2615	

DATE MAILED: 01/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/669,178	FREDLUND ET AL.	
	Examiner	Art Unit	
	Gevell Selby	2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 October 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,4-9 and 21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,4-9,21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/24/05 has been entered.

Response to Arguments

2. Applicant's arguments filed 5/16/05 have been fully considered but they are not persuasive.

The applicant submits the prior art does not disclose the claimed invention for the following reasons:

1) the Watanabe reference display is still connected to the solar battery when disconnected from the camera;

2) The Toyoda reference display is connected to a power source in all cases;

3) The DiSanto reference does not disclose a digital memory for storing pictures in the EPID and the display is connected to a low power battery source. The Examiner respectfully disagrees.

Examiner's Reply:

Re claim 1) In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on

combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In regard to claim 1, Watanabe et al., US 4,887,161, discloses a camera having a removable image bearing medium for camera captured images that includes film or a digital memory comprising:

(a) a power source;

(b) a display disposed relative to the removable image bearing medium so that the display when the camera receives power from the poser source and when removed from the camera with the removable image bearing is disconnected from the power source, the display responding to the applied power source in the image bearing medium for displaying image(s) or information related to captured image(s) and continuing to display such image(s) after removal of the display from the camera and disconnection from the power source and disconnection;

(c) means for actuating the display and applying the power source to provide images of one or more captured images or information related to such one or more captured images; and

(d) the display being positioned for viewing by a user.

The Watanabe reference does not disclose applying a power source from the camera to the display when the image bearing medium is in the camera

The Toyoda reference discloses that when the storing unit is separated from the camera it operates on its own battery supply, but when the storing unit is attached to the camera, the storing unit is supplied with power from the battery E1.

Therefore, it would have been obvious to one of ordinary skilled in the art at the time of invention to have been motivated to modify Watanabe in view of Toyoda, to have the camera have a power supply to power the display and other components of the storing medium when attached to the camera and for the storing medium to use its internal power to continue to display images when the medium is detached from the camera's power source and no power is applied in order to minimize the consumption of the battery of the storing medium as taught by Toyoda.

The Watanabe and Toyoda references do not disclose continuing to display image or related information related to captured image(s) after removal of the display from the camera and disconnection from the power source so that no power is applied to the display.

DiSanto, discloses a portable electronic device with a removable eletrophoretic image that maintains the image on the display when power is removed from the display.

Therefore, it would have been obvious to one of ordinary skilled in the art at the time of invention to have been motivated to modify Watanabe in view of Toyoda, and in view of DiSanto, to have a removable eletrophoretic image display to continue to display image or related information related to captured image(s) after removal of the display from the camera and disconnection from the power source so that no power is applied to the display, in order to save power without losing image data. Thus the combination of Watanabe, Toyoda, and DiSanto, discloses all the limitations of claim 1.

In response to the applicant's argument that the Toyoda reference does not teach that no power should be applied to the display after its removal from the camera as required by claim 1

is irrelevant because the Toyoda reference was not applied to teach that feature. The Toyoda reference was applied to teach to have an internal power in the camera that powers the camera and the display when it is attached.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., display does not contain a power supply) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). It is irrelevant whether the display of the DiSanto reference has a power supply or not because it is not claimed and the reference does disclose what is claimed, that when the power is turned off the image will still display. The low power battery is supplemental to help keep the picture when the display is shaken but it is not needed to operate the display.

In response to applicant's argument that EPID in the DiSanto reference is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, The DiSanto reference is pertinent to the problem that the display must maintain the image when power is removed from the display. The DiSanto reference discloses this feature with its EPID (see column 6, lines 27-45). The DiSanto reference discloses the image will remain with the power removed from the display (see column 6, lines 27-45). The DiSanto reference discloses that the EPID display can be used in many different applications where it is desirable to write on an electronic screen, such

as laptop computers, PDAs, and the like (see column 4, lines 8-13). It is well known in the art that cameras also use displays that are written on. The DiSanto reference also discloses the EPID can display graphics or images downloaded from memory (see column 5, lines 3-10) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to modify the Watanabe reference to have the EPID in order to display images all the time when the display is removed from the camera since the EPID can hold the image when the solar battery does not have enough light to power the display.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1, 4-9, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe et al., US 4,887,161, in view of Toyoda et al., US 4,420,773 and DiSanto et al., US 5,508,720.

In regard to claim 1, Watanabe et al., US 4,887,161, discloses a camera (see figure 2) having a removable image bearing medium for camera captured images that includes film or a digital memory comprising:

(a) a power source disposed in the camera (It is inherent the camera have a power source to power the components of the camera so that the camera can operate.)

(b) a display (see figure 2, element 24) disposed relative to the removable image bearing medium (see figure 2, element 20) so that the display when the camera receives power from the poser source and when removed from the camera with the removable image bearing medium(see column 3, lines 42-44) is disconnected from the power source, the display responding to the applied power source in the image bearing medium for displaying image(s) or information related to captured image(s) and continuing to display such image(s) after removal of the display from the camera and disconnection from the power source and disconnection from the power source (see column 5, lines 61-63 and column 7, lines 6-9);

[The power to the driver part of the display that changes the condition can be turned off and the display will continue the operate on the secondary solar battery which is a renewable power source that does not need to be conserved because of risk of running out.]

(c) means for actuating the display and applying the power source to provide images of one or more captured images or information related to such one or more captured images (see column 6, lines 1-9); and

(d) the display being positioned for viewing by a user (see figure 2 and column 2, lines 59-61).

The Watanabe reference does not disclose applying a power source from the camera to the display when the image bearing medium is in the camera

The Toyoda reference discloses a camera with a removable storing unit 2 with a display device 201 that displays the number of frames that can be stored on the unit (see column 4, lines 17-23 and figure 2). The image pickup unit 1 has a power supply battery E1 and the storing unit has a secondary power supply E2 (see column 15, lines 55-60 and figures 15A and B). When the storing unit is separated from the camera it operates on its own battery supply, but when the storing unit is attached to the camera, the storing unit is supplied with power from the battery E1 (see column 15, lines 60-66). In this way, the consumption of the battery E2 having a small electric capacity can be minimized (see column 15, lines 66-68).

It would have been obvious to one of ordinary skilled in the art at the time of invention to have been motivated to modify Watanabe et al., US 4,887,161, in view of Toyoda et al., US 4,420,773, to have the camera have a power supply to power the display and other components of the storing medium when attached to the camera and for the storing medium to use its internal power to continue to display images when the medium is detached from the camera's power source and no power is applied in order to minimize the consumption of the battery of the storing medium as taught by Toyoda.

The Watanabe and Toyoda references do not disclose continuing to display image or related information related to captured image(s) after removal of the display from the camera and disconnection from the power source so that no power is applied to the display.

DiSanto et al., US 5,508,720, discloses a portable electronic device with a removable eletrophoretic image display (see figure 1, element 20 and column 5, lines 29-

30) that maintains the image on the display when power is removed from the display (see column 6, lines 27-45).

It would have been obvious to one of ordinary skilled in the art at the time of invention to have been motivated to modify Watanabe et al., US 4,887,161, in view of Toyoda et al., US 4,420,773, and in view of DiSanto et al., US 5,508,720, to have a removable eletrophoretic image display to continue to display image or related information related to captured image(s) after removal of the display from the camera and disconnection from the power source so that no power is applied to the display, in order to save power without losing image data.

In regard to claim 4, Watanabe et al., US 4,887,161, in view of Toyoda et al., US 4,420,773 and DiSanto et al., US 5,508,720, discloses the camera of claim 1. Watanabe et al., US 4,887,161, discloses that the image bearing medium includes a removable memory card (see figure 4, element 20) having the digital memory (see figure 1, 22).

In regard to claim 5, Watanabe et al., US 4,887,161, in view of Toyoda et al., US 4,420,773 and DiSanto et al., US 5,508,720, discloses the camera of claim 1. Watanabe et al., US 4,887,161, discloses that the image captured related information provides an indication of remaining capacity of images to be taken by the camera (see figure 1, element D1 and column 5, lines 28-30).

In regard to claim 6, Watanabe et al., US 4,887,161, in view of Toyoda et al., US 4,420,773 and DiSanto et al., US 5,508,720, discloses the camera of claim 1. Watanabe et al., US 4,887,161, discloses that the image captured related information provides a time or date (see figure 1, element D2 and column 5, lines 28-30).

In regard to claim 7, Watanabe et al., US 4,887,161, in view of Toyoda et al., US 4,420,773 and DiSanto et al., US 5,508,720, discloses the camera of claim 1. Watanabe et al., US 4,887,161, discloses that the image bearing medium displays at least one indication of the status of the camera (see column 5, lines 52-67).

The display can be used as a viewfinder to indicate the image the camera will record in capture mode before the picture is taken.

In regard to claim 8, Watanabe et al., US 4,887,161, in view of Toyoda et al., US 4,420,773 and DiSanto et al., US 5,508,720, discloses the camera of claim 1. Watanabe et al., US 4,887,161, discloses that the image bearing medium communicates an indicia of the capabilities of the display to the camera (see column 6, lines 30-49 and figure 5, elements 23a and 23b).

In regard to claim 9, Watanabe et al., US 4,887,161, in view of Toyoda et al., US 4,420,773 and DiSanto et al., US 5,508,720, discloses the camera of claim 7. Watanabe et al., US 4,887,161, discloses that the camera actuates the display on the image bearing medium to remove camera status indications prior to removal of the image bearing medium from the camera (see column 5, lines 52-67 and column 8, lines 17-20).

When the display is in viewfinder mode displaying the current picture to be photographed and the medium is going to be removed from the camera, the camera will first change the image to the one with the smallest frame number removing the prior indication status.

In regard to claim 21, Watanabe et al., US 4,887,161, discloses a camera (see figure 2) having a removable image bearing medium for camera captured images that includes film or a digital memory comprising:

(a) a power source disposed in the camera (It is inherent the camera have a power source to power the components of the camera so that the camera can operate.)

(b) a display (see figure 2, element 24) removably connected to the removable image bearing medium (see figure 2, element 20) so that the display is removable from the camera with the removable image bearing medium and the display is removable from the image bearing medium, the display when the camera receives power from the poser source and when removed from the camera with the removable image bearing medium (see column 3, lines 42-44) is disconnected from the power source, the display responding to the applied power source in the image bearing medium for displaying image(s) or information related to captured image(s) and continuing to display such image(s) after removal of the display from the camera and disconnection from the power source and disconnection from the power source (see column 5, lines 61-63 and column 7, lines 6-9);

(c) means for actuating the display to provide images of one or more captured images or information related to such one or more captured images (see column 6, lines 1-9), and

(d) the display being positioned for viewing by a user (see figure 2 and column 2, lines 59-61).

The Watanabe reference does not disclose applying a power source from the camera to the display when the image bearing medium is in the camera and not applying power to the display when the camera is disconnected and the reference does not disclose continuing to display image or related information related to captured image(s) after removal of the display from the camera and no power is applied to the display.

The Toyoda reference discloses a camera with a removable storing unit 2 with a display device 201 that displays the number of frames that can be stored on the unit (see column 4, lines 17-23 and figure 2). The image pickup unit 1 has a power supply battery E1 and the storing unit has a secondary power supply E2 (see column 15, lines 55-60 and figures 15A and B). When the storing unit is separated from the camera it operates on its own battery supply, but when the storing unit is attached to the when, the storing unit is supplied with power from the battery E1 (see column 15, lines 60-66). In this way, the consumption of the battery E2 having a small electric capacity can be minimized (see column 15, lines 66-68).

It would have been obvious to one of ordinary skilled in the art at the time of invention to have been motivated to modify Watanabe et al., US 4,887,161, in view of Toyoda et al., US 4,420,773, to have the camera's power supply power the display and other components of the storing medium when attached to the camera and for the storing medium to use its internal power to continue to display images when the medium is

detached from the camera's power source and no power is applied in order to minimize the consumption of the battery of the storing medium as taught by Toyoda.

DiSanto et al., US 5,508,720, discloses a portable electronic device with a removable eletrophoretic image display (see figure 1, element 20 and column 5, lines 29-30) that maintains the image on the display when power is removed from the display (see column 6, lines 27-45).

It would have been obvious to one of ordinary skilled in the art at the time of invention to have been motivated to modify Watanabe et al., US 4,887,161, in view of Toyoda et al., US 4,420,773, DiSanto et al., US 5,508,720, in view of to have a removable eletrophoretic image display to continue to display image or related information related to captured image(s) after removal of the display from the camera and no power is applied to the display, in order to save power without losing image data.

It would have been obvious to one of ordinary skilled in the art at the time of invention to have been motivated to modify Watanabe et al., US 4,887,161 in view of Toyoda et al., US 4,420,773, to have the camera's power supply power the display and other components of the storing medium when attached to the camera in order to minimize the consumption of the battery of the storing medium as taught by Toyoda.

Conclusion

5. All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under

37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gevell Selby whose telephone number is 571-272-7369. The examiner can normally be reached on 8:00 A.M. - 5:30 PM (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on 571-272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gvs

DAVID OMETZ
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